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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Claude M. Leglise

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Art Unit: 3622

Serial No.: 09/584,520

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Examiner: Yehdega Retta

Filed: May 31, 2000

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Docket: NUM.0017US

For: Remotely Managing and
Controlling a Consumer
Appliance

§

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

In response to the Examiner's Answer, the following Reply Brief is submitted.

**A. Whether Claims 66-70 and 81-85 are
Unpatentable Over BISYS in View of Rangan**

Two separate elements have been set forth as bases for distinguishing each of the references and their combination. These two elements are discussed below.

1. "receiving a plurality of graphical user interfaces from said service provider, each graphical user interface of said plurality of graphical user interfaces to include content related to the products or services of a particular retail vendor, the content customized, at least in part, based on said information . . ."

Date of Deposit: September 3, 2008
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Cynthia L. Hayden

Clearly, neither cited reference teaches this limitation. In an attempt to make something out of nothing, the Examiner misinterprets the claim and then finds things are inherent, which cannot possibly be inherent.

With respect to the first issue, the Examiner notes that there is a sign-in page in the present application. He then presumes (with no basis whatsoever), that that sign-in page would constitute one of the three claimed graphical user interfaces. It does not. Just because the applicants' disclosure uses additional graphical user interfaces not set forth in the claim is not a license to reinterpret the claim language to cover things which clearly cannot possibly be encompassed within the claim (of course, an infringer who provides additional graphical user interfaces would still infringe, but the presence of sign-in graphical user interfaces in a reference has no bearing on patentability).

The claim language (set out above) is explicit that the three graphical user interfaces must (1) include content related to the products or services to a particular retail vendor and (2) be "content customized, at least in part, based on said information . . ." The sign-in log meets neither of these limitations. Thus, the attempt to argue that because the applicants' disclosure includes a sign-in page that this, therefore, necessarily constitutes one of the claimed pages of the plurality is untenable. Plainly, the rejection does not constitute a *prima facie* rejection for this first reason.

The Examiner concedes that Rangan does not teach customizing the interface to include the content of particular vendor products. See the bottom of page 11 of the Answer. Thus, the pertinence of Rangan is difficult to understand. If Rangan is cited because he merely teaches three graphical user interfaces, then perhaps that is fine, but his pertinency to the claim is very difficult to understand.

The suggestion that BISYS is somehow relevant is difficult to see as well since BISYS does not teach any customization to the products of a particular retail vendor, nor the display of three such customized user interfaces as a predicate to accessing the Internet.

2. "preventing the identified customer from using Internet services through said service provider without the customer first viewing, in sequence, at least three graphical user interfaces from said plurality."

According to the claim language, in order to access the Internet, three graphical user interfaces have to be viewed. One application of the claimed subject matter would be in a system where free Internet access is granted in return for viewing the advertising pages.

It is noted in the Answer that Rangan teaches no such thing. Instead, it is argued that just because BISYS teaches providing a portal that provides Internet services for a particular vendor, that the concept of requiring viewing a plurality of specifically claimed user interfaces is suggested.

BISYS does not require viewing the three specifically claimed user interfaces. Those three interfaces must be customized for particular retail advertising. Moreover, there is no requirement that anything other than the normal sign-in interfaces be utilized in BISYS.

Therefore, neither reference teaches the claimed concept and, as a result, the rejection should be reversed.

B. Whether Claims 71-80 are Obvious Over Rangan in view of BISYS

1. "in response to selection of an indicator on a sign-in graphical user interface, identifying the current user of the processor-based system, said sign-in graphical user interface having different indicators for each known user of said particular processor-based system."

As well as can be understood, the Examiner suggests that this element is taught by Rangan. It appears that the Examiner believes that something in Figure 2 and the related description teaches the selection of an indicator on a sign-in graphical user interface. Figure 2 does show a listing of user subscribed or member web pages identified by URL, as indicated at 34. See column 5, lines 20-25.

But anyone can click on any of those items 34 and that action will never indicate the current user of the system. This is expressly explained in the reference where it says that a network of individuals may share one application. For example, two individuals may share any listing. See Rangan at column 5, lines 53-63. Thus, anyone who has access to the system could select any of the listings 34 and the system would have no way to know who did so. Therefore,

there is nothing in Rangan that teaches identifying a current user of the processor-based system in response to the selection of an indicator on a sign-in graphical user interface.

Moreover, nothing in Figure 2, in Rangan, constitutes a sign-in graphical user interface having different indicators for each known user of said particular processor-based system. While user names are indicated, there are not different indicators for each user because anyone can click on those pages and, in fact, this is expressly contemplated in the above-cited material from Rangan.

2. "keeping a record of a user's activity on an activity graphical user interface, the activity graphical user interface received on a processor-based system from a service provider, said activity graphical user interface to include content that is customized for the user on behalf of a particular retail vendor, said activity user interface without content from other unrelated retail vendors."

The Examiner apparently believes this element is taught by BISYS. But BISYS does not teach keeping a record of activities on a user interface that is customized for the user on behalf of a particular retail vendor.

Rangan, similarly, teaches nothing of the sort. Anyone can click on any of the links shown in Figure 2 and the system will never know which user did what and, therefore, it would be impossible to keep track of a user's activities on the page.

3. "customizing content for a selection graphical user interface, said customization based on the current user of the processor-based system, the current user's recorded user input, and the products or services of a particular retail vendor, said selection graphical user interface being a different interface than a said activity graphical user interface and said sign-in graphical user interface."

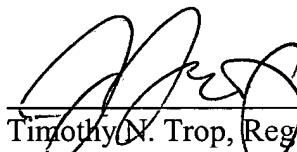
There is no customization of content based on the identity of the current user, the user's recorded inputs, and the products or services of a particular retail vendor in either BISYS or Rangan.

In sum, there is no basis for either or both of the references teaching any of the three above-identified claimed elements.

Therefore, the rejection should be reversed.

For at least the same reasons, the rejection of claims 81 and its dependent claims should also be reversed.

Respectfully submitted,



Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
1616 S. Voss Road, Suite 750
Houston, TX 77057
713/468-8880 [Phone]
713/468-8883 [Fax]

Date: September 3, 2008